

## **WELCOME TO THE ETHICS COMMISSION MEETING**

*Please sign in at the testimony table.*

*As a courtesy, please silence your cell phone.*



Date: April 18, 2018  
Time: 11:30 a.m.  
Place: Kapālama Hale  
925 Dillingham Boulevard  
1<sup>st</sup> Floor Conference Room

## **ORDER OF BUSINESS**

### **I. Call to Order, Public Notice, Quorum**



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## II. NEW BUSINESS

### A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution



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## II.A. CHAIR'S REPORT (cont'd)

2. For Action: Approval of Open Session Minutes of March 21, 2018
3. For Action: Approval of Executive Session Minutes of March 21, 2018

*[exec/session if needed, HRS §92-5(a)(4)]*



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## **II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT**

### **1. Staff Work Reports Summary**



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### **II.B.1. STAFF WORK REPORTS – HIGHLIGHTS SENIOR CLERK TYPIST (P/T)**

- Processing lobbyist registrations, annual reports
- Assisting with legal clerk functions



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## **II.B.1. STAFF WORK REPORTS – HIGHLIGHTS LEGAL CLERK I**

- Assuming most Legal Clerk III responsibilities
- Processing meeting materials, financial disclosures, lobbyist forms, case intake
- Managing board/commission ethics training; trouble-shooting City's learning management system issues
- Updating, redesigning, refreshing website
- Managing front-office, phones, other



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## **II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR**

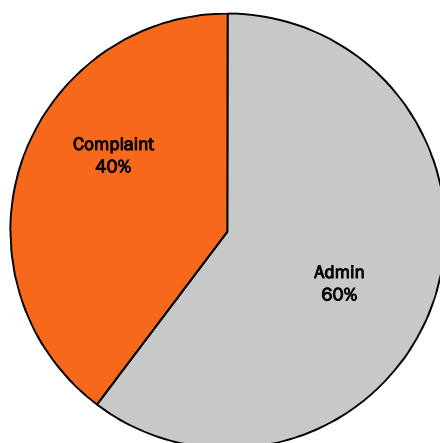
- Managing case load (interviews, investigation, research/analysis, reporting)
- Prepping for and attending case management meetings
- Assisting with EC minutes, meetings



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## II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR



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## II.B.1. STAFF WORK REPORTS – HIGHLIGHTS ASSOCIATE LEGAL COUNSEL (ALC)

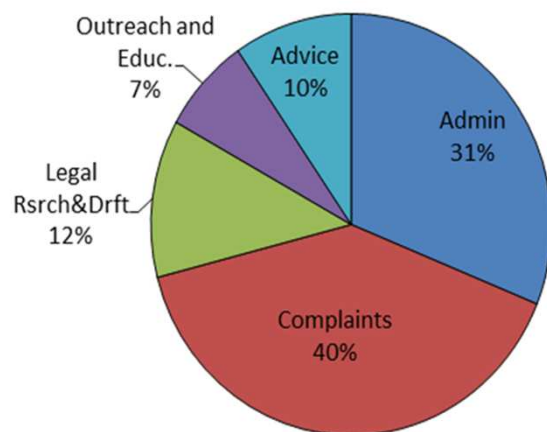
- Handling ongoing admin responsibilities
- Investigating/managing cases, strategy, training Investigator and Legal Clerk I
- Conducting outreach and education
- Reviewing financial disclosures
- Managing requests for advice



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## II.B.1. STAFF WORK REPORTS SUMMARY ASSOCIATE LEGAL COUNSEL



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## II.B.2 STATISTICS

### a. Website Sessions

- March 2018 – 596



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## II.B.2. STATISTICS – FINANCIAL DISCLOSURES

### CLERK'S OFFICE

(public disclosure)

Councilmembers

Mayor

Cabinet

~82

### ETHICS COMMISSION

(confidential disclosure)

EForm – Employees, Officers  
(399)

PDF – Board & Commission  
Members (185)

~584



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## II.B.2. STATISTICS – LOBBYISTS

### 2018 REGISTRATION

Hardcopy Filings

(by Organization)

~136

(by Lobbyist)

~111

### 2017 ANNUAL REPORT

Hardcopy Filings

(by Organization)

~164

(by Lobbyist)

~109



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## II.B.3 BUDGET

### b. FY2019 Operating Budget Request

April 11, 2018 – Special CD1 Budget Meeting

- Council Chair, Budget Chair amendments
- Chair Marks attended w/ EDLC



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## II.B.4. EDUCATION AND OUTREACH

### a. Ethics Training Program

- Feedback
- Begin developing course for next biennium:  
July 1, 2018–June 30, 2020 (FY19–FY20)
  - ✓ Outreach – Cmmr. Kanda
- Non-domain (private) user interface pending,  
but DIT said online soon



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## II.B.4. EDUCATION AND OUTREACH

### a. Ethics Training Program

- **Mindflash – Completed (as of April 12):**
  - ✓ Commission on Culture and Arts [10/11]
  - ✓ Board of Parks and Recreation [6/9]
  - ✓ Climate Change Commission [5/5]



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## II.B.6. LEGISLATION

### State Legislature

- **House Bill 71, Senate Draft 1 (relating to ethics)**  
Description: Prohibits a sitting governor or mayor from maintaining outside employment or receiving emoluments.
- ✓ As of April 12, 2018 (2<sup>nd</sup> Crossover) – DEAD



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## II.B.7. EDUCATION OPPORTUNITIES

### a. Administrative Hearings

Presenter: Office of Administrative Hearings  
(Dept. of Commerce and Consumer Affairs)

Date: **Wed., May 23, 2018**

Time: 1:00 p.m.

Place: Leiopapa A Kamehameha Building  
State Office Tower (SOT), Rm. 204  
235 S. Beretania Street



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## II.B.8. EVALUATION FORM – EXECUTIVE DIRECTOR AND LEGAL COUNSEL

- Developed by Ethics Commission PIG (permitted interaction group) in 2016
- Last review/comments – July 2016
- No changes since then

[End – EDLC Report]



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### III. EXECUTIVE SESSION

#### A. For Discussion:

Kealoha vs. Totto



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### III. EXECUTIVE SESSION

#### B. For Discussion and Action:

Request for Review of Staff's Amended Preliminary Determination of February 21, 2017, Ethics Commission Meeting Agenda Item III.C.: Whether Officer Knew or Should Have Known That Officer's Alleged Partisan Advocacy for Charter Amendment on the November 8, 2016, Ballot Violated RCH Section 11-104



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### III. EXECUTIVE SESSION

#### C. For Discussion and Action:

Notice of Violation by a City Officer for Failure to File Complete Financial Disclosure Statement (ROH Section 3-8.4); Notice of Hearing (HRS Section 91-9.5)



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### IV. STRATEGIC PLANNING

#### A. For Discussion:

*Ethics Commission – 2027* (adopted March 21, 2018)

#### B. For Discussion:

Media Policy (dated July 23, 2015) and Crisis Management



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## IV. STRATEGIC PLANNING (cont'd)

### Timeline:

- ✓ Sept. 1, 2017 – Receive comments
- ✓ Sept. 20, 2017 – Ethics Comm. reviews comments
- ✓ Sept. 27, 2017 – Permitted Interaction Grp (PIG) reviews comments, amends draft
- ✓ Nov. 2017 – PIG's am'd draft to Ethics Comm. (1)
- ✓ Jan. 2018 – Ethics Comm. amended strategic plan
- ✓ Feb. 2018 – Ethics Comm. reviews strategic plan (2)
- ✓ Mar. 2018 – Ethics Comm. adopts strategic plan (3)



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## V. ADJOURNMENT

Honolulu Ethics Commission  
Kapālama Hale  
925 Dillingham Boulevard, Suite 190  
Honolulu, Hawai`i 96817  
Ph: (808) 768-9242

Website: [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics) Email: [ethics@honolulu.gov](mailto:ethics@honolulu.gov)



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**Agenda Item II.B.8.,  
Page 2  
[DRAFT EXECUTIVE  
DIRECTOR AND LEGAL  
COUNSEL EVALUATION  
FORM]**

### EC EDLC 2016 Performance - Commission Member Input

(Numerical Input)	Excellent 4																		2014 AVG	2013 AVG	2012 AVG	2011 AVG
Above Avg 3																						
Satisfactory 2																						
Needs Improvement 1										Lilly												
Provide Vision & Leadership																						
Work with EC Members																						
Work Quality and Quantity in Major Duties																						
Trusted Voice/Face of EC																						
Supervising Subordinates																						
Effective Planning, Procedures and Priorities																						
AVG	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	###	DIV/0!			

**Comments** *(Please Input Comments)*

**Provide Vision & Leadership** - Develop effective strategic plans, programs and policies to support EC's mission and objectives: A) Charter Commission responsibilities and oversight, B) Training of City and County employees, and C) Organization of complaints and office responsibilities and workflow; Motivate and inspire staff to maximize their own development potential and mission support; Deliver strong operating and staff performance. Innovative and creative, gains trust and confidence of those he interacts with. Maintains a high level of personal and professional integrity. Role model for city employees.

**Work with Commission Members** - Advising and assisting EC members; Clarity and timeliness of memos, reports and minutes provided to EC; Records and reference materials provided regarding complaints, and status of work and workflow; Resolutions and alternatives provided to EC. Shows willingness to improve job knowledge. Accepts feedback in a cooperative and honest fashion. Gains trust and confidence. Responds promptly to requests for information.

## EC EDLC 2016 Performance - Commission Member Input

**Work Quality and Quantity in Major Duties:** *Knowledge of ethics laws and administrative and legislative processes; Respond to request for ethics advice; Conducting investigations of alleged misconduct, probable cause and contested hearings; Presentations at training meetings; Manages legal research; Negotiations and settlements; Developing legislation, rules and guidelines; Provide education and training; Displays positive attitude. Shows good work habits. Willing to improve job knowledge.*

**Trusted Face/Voice of EC -** *Build strong relationships with the Council, Administration, City agencies, community and City employees and officers through: Education programs; News media interaction; Public access to public reports and filings by officials, candidates, lobbyists; Working with other Federal, State and City agencies, including law enforcement; Gains trust and confidence of others. Promotes positive relationship with the public.*

**Supervising Subordinates:** *Create team-based, cooperative work environment that allows for professional growth and advancement; Clearly communicate plans, policy, initiatives and directives to staff; Conduct timely staff appraisals. Effective delegation of written staff responsibilities and evaluation. Promotes high degree of morale. Leads staff to excellence. Provides organization chart of workload flow and caseload. Provides formal functionality and responsibility within budget interests. Provides employees responsibilities & evaluations - hiring and firing; oversight of workload flow and case flow.*



## EC EDLC 2016 Performance - Commission Member Input

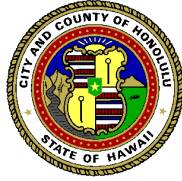
**Effective Planning, Procedures and Priorities** - *Develop and maintain an effective organization supported by policies and procedures protected by law, sufficient resources and funding, a strong team and case and project priorities. Demonstrate managerial skills, goals, and objectives, and training and development, which assume timely caseflow and resolution. Effective in review of and oversight of financial and budgeting responsibilities.*

**General** - *Overall Performance & Improvement Areas*

**Agenda Item IV.B.,  
Page 3  
[Media Policy;  
Dated July 23, 2015]**

# ETHICS COMMISSION CITY AND COUNTY OF HONOLULU

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PHONE: (808) 768-7786 • FAX: (808) 768-7768 • EMAIL: [ethics@honolulu.gov](mailto:ethics@honolulu.gov) • INTERNET: [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics)



KIRK CALDWELL  
MAYOR

CHARLES W. TOTTO  
EXECUTIVE DIRECTOR &  
AND LEGAL COUNSEL

## Media Policy July 23, 2015

### Policy

One of the primary roles of the Honolulu Ethics Commission is to maintain and improve public confidence in government officials and employees. One of the ways in which it fulfills that role is by communicating with the public through the news media. The purpose of a news release from the Commission is to summarize and communicate to the public the important positions or actions taken by the Commission, as well as their impact on the public and the integrity of city government and city officials.

### Procedure

The following procedures will be followed as reasonably practicable:

1. Media interaction will aim to educate and inform the public and city workforce about the City ethics program, including the standards of conduct governing the work of City officers and employees, ethics training, legislation, statistics and Commission priorities.
2. In news releases about formal advisory opinions and findings, staff should refrain from interpreting the opinions and findings. However, it is permissible to extrapolate from advisory opinions or findings of the Commission to comment on how those opinions or findings may affect future hypothetical situations.
3. All media enquiries should be directed to the Executive Director/Legal Counsel ("EDLC"). The EDLC will respond in the normal course. At the earliest reasonable opportunity, the EDLC will inform the Commission members by email of the content of comments made to the media. To avoid confusion and potentially contradictory information, Commission members and staff should not communicate with media on behalf of the Commission. However, Commission members and staff are permitted to comment publicly in their individual capacities.
4. Comments in a news release shall be attributed to either the Commission or the Commission staff, as consistent with the statement being reported.

5. All written media communications shall be sent to the following, in order:
  - Commission members
  - Complainant(s) and respondent(s), if applicable
  - City Administration (mayor, managing director, cabinet)
  - Councilmembers
  - Media
  - Members of the public who have asked to receive Commission news releases
  - Departmental administrative service officers
  - Any other Requestor

**Agenda Item IV.B.,**

**Page 3**

**[Crisis Management –  
Discussion Questions]**

## **Crisis Management - Discussion Questions**

Ethics Commission Meeting – March 21, 2018

- What type of crisis?

Employee violence, embezzlement, hostage situation, board improper behavior, computer hacking, information leak by staff, etc. Be as complete as we can be, however unlikely the event.

- What steps should be taken?

Meet with Corporation Counsel? Other city officials? Emergency huddle to find out facts, etc.

- Who is the spokesperson?

Ethics Commission Chair? EDLC?

- What kinds of templates do we develop?

Develop template for each statement, including one where we state why we cannot give more information

Templates for what goes on the Ethics Commission website, city website

Social media actions

- Action steps?

News release distributed? by City? by Ethics Commission?

News conference?

In what situations do we defer to the police? City? Feds?

- What method of communication?

Telephone, fax, email, text, social media, in person meetings

Media distribution lists